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**BY HAND**

Ms. Victoria J. Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423-0001

January 28, 2008  
Surface Transportation Board  
CN-EJ&E BIS - FD-10087  
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**Re: Canadian National Railway Company and Grand Trunk Corporation –  
Control – EJ&E West Company (STB Finance Docket No. 35087)**

Dear Ms. Rutson:

I am writing, on behalf of Applicants Canadian National Railway Company and Grand Trunk Corporation (together, "Applicants"; together with their rail carrier subsidiaries, "CN"), to provide you and HDR Engineering, Inc. ("HDR"), with the information requested in your letter of December 18, 2007, to Normand Pellerin of CN. CN has been working diligently to gather this information, but has been delayed by the absence of many key personnel over the holidays, and by the fact that CN was not aware of your request until its existence was revealed in a telephone call between SEA, HDR, CN, and Harkins Cunningham that took place on December 27, 2007. (At that time, HDR provided a copy of your letter in PDF format to Mr. Pellerin and to Harkins Cunningham by e-mail, and Mr. Pellerin received the mailed copy later that day.)

CN does not yet have available information responsive to certain of your requests, but expects to have it shortly. Rather than hold up CN's reply further, however, we are providing the vast majority of the information that is available now, and indicating those few requests that we plan to provide when it becomes available.

1. Any available and recent digital aerial photography of existing EJ&E.

CN has compiled the requested photography in digital form, but because the data containing the photographs are too massive to be transferred conveniently by e-mail or by disk, CN will make the photography available later this week on an FTP website. You may obtain the web address and password from Guylaine Prevost at CN (telephone 514-399-4875).

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2. GIS Database of affected line segments of the CN and EJ&E rail network. Please provide an inventory of the data layers that are available and the source of the data.

Because the information requested is too massive to be transferred conveniently by e-mail or by disk, CN is making the GIS information available on the FTP website referred to in the response to no. 1, above.

3. Memorandums of Understanding (MOA, MOU) with potentially affected communities, commuter rail, or other entities located in the acquisition project area.

CN has not yet entered any such memorandums.

4. Current EJ&E employee timetable, operating rules, and track charts for entire EJ&E system. (Note the EJ&E track chart provided on December 7, 2007, does not need to be resubmitted).

CN has placed the EJ&E employee timetables, and track charts in its document depository, which contains work papers underlying Applicants' evidentiary filings and documents produced to other parties to the proceedings in response to discovery requests. Copies of these documents are provided as Exhibit A on the enclosed compact disc.<sup>1</sup> (They have been designated with Bates numbers CN/EJEW 5 CO 161-371 (timetables and operating rules) and CN/EJEW 5 CO 31-129 (track charts), which are the numbers assigned to the documents in Applicants' depository.)

Please note that these documents have all been designated as CONFIDENTIAL pursuant to the Protective Order entered in this proceeding by the Board in Decision No. 1 (served October 22, 2007), and are therefore filed under seal. CN therefore requests that SEA keep these materials confidential as provided in the Protective Order, and not make them available except to those who have signed the appropriate confidentiality undertakings provided in that Order and who are eligible to receive them. If SEA finds it necessary to publish particular excerpts from these documents, or information contained therein, in the environmental impact statement, CN will be willing to authorize such publication, but wishes to prevent wholesale disclosure of these documents to persons not authorized to receive them under the Protective Order.

Also enclosed, as Exhibit B hereto, are EJ&E's Operating Rules (constituting sections 1.0 through 16.0 of a larger document called "Elgin, Joliet and Eastern Railway Co. Rules"). This document was made available to CN by EJ&E under terms that require it to be submitted under seal in accordance with the Protective Order; accordingly, it has been designated

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<sup>1</sup> For ease of transmittal, all exhibits to this letter are provided in electronic form (PDF, Microsoft Excel, or shapefile) on the enclosed CD. However, we will gladly provide hard copies of any of these documents if you prefer to receive them in that form.

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as CONFIDENTIAL pursuant to that Order. CN requests that this document also be handled as provided in the Protective Order.

5. Current CN employee timetable, operating rules, and track charts for the 5 affected CN line segments:

- a. Waukesha Subdivision
- b. Freeport Subdivision
- c. Joliet Subdivision
- d. Chicago Subdivision
- e. South Bend Subdivision

CN is providing, as Exhibit C to this letter, copies of: (1) Timetable No. 3 for CN's Chicago Division (which includes the Freeport, Joliet, , Chicago, and Elsdon subdivisions); (2) Timetable No. 4 for CN's Michigan Division (which includes the South Bend Subdivision); and (3) Timetable No. 4 for CN's Wisconsin Division (which includes the Waukesha Subdivision).

CN is also providing, as Exhibit D to this letter, track charts for the (1) Waukesha Subdivision, (2) Freeport Subdivision, (3) Joliet Subdivision, (4) Chicago Subdivision, and (5) Elsdon/South Bend Subdivision.

Finally, CN is providing, as Exhibit E to this letter, CN's U.S. Operating Rules (3d edition) and CN Southern Region U.S. System Special Instructions No. 7.

All the documents in Exhibits C, D, and E are filed under seal and should be regarded as CONFIDENTIAL under the Protective Order.

6. Current right-of-way maps or valuation maps for EJ&E and CN rights-of-way in vicinity of proposed new connections.

CN is making the requested right-of-way maps and valuation maps available to SEA on the FTP web site referred to in the response to request no. 1, above.

7. Most recent gross tonnage maps for all EJ&E and 5 affected CN line segments.

Neither CN nor EJ&E produces gross tonnage maps in the ordinary course of business. Nevertheless, for SEA's convenience, CN has created a map showing gross tonnage for 2006 on CN and EJ&E lines in the Chicago area, and is providing that map as Exhibit F to this letter.

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8. Description of typical trains (CN, EJ&E and trackage-rights trains) anticipated to operate on the EJ&E, length, train speed, number of cars, number of engines, age distribution of locomotives, engine horsepower, gross tonnage.

CN is still collecting the information needed to answer this request and will provide it when it is available.

9. Listing with milepost (MP) for all EJ&E movable bridges.

There are five moveable bridges on the EJ&E. They are: (1) the vertical lift span bridge over the Des Plaines River (Western Subdivision MP 1.3; p. 39 on EJ&E track charts); (2) vertical lift span bridge over the Illinois River (Illinois River Line MP 27; see EJ&E track charts, p. 74); (3) vertical lift span bridge over the Calumet River (Lake Front Line MP SC1.1; see EJ&E track charts, p. 93); (4) Scherzer Rolling Lift Bascule bridge over Indiana Harbor Ship Canal (Lake Front Line MP SC 8.1; see EJ&E track charts, p. 96; and (5) Scherzer Rolling Lift Bascule bridge over Ship Canal (Whiting Calumet Line MP 46.85; see EJ&E track charts, p. 88).

10. List of CN planned improvements to EJ&E rail infrastructure.

As detailed in the Application,<sup>2</sup> CN plans to make the following improvements to EJ&E's rail infrastructure:

- a. Munger IL: Installation of a track in the southwest quadrant of the present crossing between CN and EJ&E, to connect the eastbound track of CN's Freeport Subdivision to the southbound EJ&EW track.
- b. Joliet, IL: Installation of a track in the northeast quadrant of the present crossing between CN and EJ&E, to connect the westbound EJ&EW track to the northbound track of CN's Joliet Subdivision.
- c. Matteson, IL: Installation of a track in the northeast quadrant of the present crossing between CN and EJ&E, to connect the eastbound and westbound EJ&EW tracks to the southbound and northbound tracks of CN's Chicago Subdivision.
- d. Griffith, IN: Installation of a track in the northeast quadrant of the present crossing between CN and EJ&E, to connect the westbound track of CN's South Bend Subdivision to the northbound EJ&EW track.
- e. Ivanhoe, IN: Installation of a track in the southeast quadrant of the present crossing between EJ&E and CSX Transportation, Inc. ("CSXT"),<sup>3</sup> to connect the northbound EJ&EW track with the eastbound track of CSXT's Porter Branch.

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<sup>2</sup> CN-2 at 220-222, 237-42, 517-22, E-243 (as corrected by errata filed November 9, 2007), E-523 (as corrected by errata filed November 9, 2007).

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- f. Kirk Yard, IN: Installation of a crossover track to connect the east end of Kirk Yard to the Chicago Line of Norfolk Southern Railway Company ("NS").
  - g. Leithton, IL: Double-tracking of the northwest quadrant of the existing wye connecting CN's Waukesha Subdivision with EJ&E at Leithton, and extension of the existing siding by 2.3 miles.
  - h. Between East Siding and Walker, IL: Connect the existing EJ&E sidings at East Siding, Normantown, and Walker with new track, thereby creating a 10.1-mile-long segment of double track between the west end of East Siding and the east end of Walker siding.
  - i. Between East Joliet and Frankfort, IL: Reinstallation of the second main track between MP 1.75 near Marble Falls and MP 11.6 at Frankfort, thereby double tracking EJ&EW between Joliet and Frankfort.
11. Available data on all road crossings for all EJ&E and affected CN segments (at-grade, underpasses, overpasses noted).

Information on road crossings on EJ&E and affected CN segments is available from the Highway-Rail Crossing Inventory maintained by the Federal Railroad Administration ("FRA") and accessible at <http://safetydata.fra.dot.gov/OfficeofSafety/>. The Illinois Commerce Commission ("ICC") maintains a similar database of highway-rail crossings. Information on that database is available from

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Rail Safety Program Administrator,  
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527 East Capitol Avenue,  
Springfield, IL 62701  
(217) 557-1285  
[mstead@icc.illinois.gov](mailto:mstead@icc.illinois.gov)

At the request of Parsons Transportation Group, the ICC has selected data from that database relating to the eight counties in northeastern Illinois, and that data is provided in a spreadsheet in Exhibit G to this letter, together with an Excel file (CN\_EJE\_ICC\_FRA\_COMPARISON\_ILL\_ONLY.xls) which identifies discrepancies between the FRA and ICC databases.

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<sup>3</sup> The Application erroneously refers to this as "the present crossing between CN and EJ&E," although Figure 6 to the Operating Plan (CN-2 at 241, 521) makes clear that referenced crossing is of CSXT's Porter Branch.

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12. List of planned improvements regarding any new grade-separations, highway overpasses/underpasses, and at-grade crossing warning devices of which the CN or EJ&E may be aware.

Attached as Exhibit H is a spreadsheet providing information regarding planned improvements to grade crossings on the EJ&E. This information is available from Michael Stead of the ICC, whose address and other contact information is provided in the response to request no. 11, above. Attached as Exhibit I is a spreadsheet providing information regarding planned improvements to grade crossings on CN's lines within the EJ&E arc.

CN is evaluating the impact of the proposed Transaction on affected grade crossings and will identify other improvements as may be appropriate.

13. List of known and planned train stoppage zones along the EJ&E rail line for purposes of crew changes or switching operations.

Switching operations presently conducted by EJ&E will be reviewed after CN completes its acquisition of EJ&EW and if appropriate may be modified by CN. As noted in the Application, CN plans to increase switching activity at East Joliet and Gary (Kirk Yard), but this would not result in stoppages on the EJ&E line. Crew change locations will be defined when labor implementing agreements are negotiated.

14. Information on current railroad technological improvements (i.e., PTC or ECP) that CN is considering for the EJ&E.

CN is not presently considering application of any technological improvements, such as positive train control ("PTC") or electronically controlled pneumatic ("ECP") brakes, on the EJ&EW line.

15. Copies of any environmental technical reports on EJ&E (wetland, phase 1, noise and vibration, and natural resources).

Attached as Exhibit J is a report to CN's counsel by STS Consultants, Ltd. ("STS"), regarding the Phase 1 Environmental Site Assessment conducted by STS for CN in connection with due diligence related to the proposed acquisition of the EJ&EW property. Please note that this document is being filed under seal and has been designated as CONFIDENTIAL pursuant to the Protective Order.

16. Known hazardous materials/special waste sites and associated environmental reports for sites along the EJ&E.

Hazardous waste sites are identified in the Phase 1 report provided in response to request no. 15.

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17. Information on proposed changes to operating plans for existing CN lines into Chicago.

On January 3, 2008, CN filed errata to the Application (designated as CN-14), which included revisions to Attachments A.1 and A.2 to the Operating Plan. A copy of those errata are enclosed as Exhibit K. Work papers supporting those errata have been placed in the document depository referred to above. If SEA wishes to examine those work papers (some of which are designated as CONFIDENTIAL and some of which are designated as HIGHLY CONFIDENTIAL under the Protective Order), CN will provide them, subject to the confidentiality restrictions in the Protective Order.

18. Proposed locomotive refueling and service locations along the EJ&E rail line.

CN has no plans to refuel or service locomotives along the EJ&EW main line. CN anticipates that such work would be done in Homewood, IL, Joliet, IL, or at Kirk Yard.

19. Specifics as to average fuel efficiency (in units of gross ton miles/gallon) for existing EJ&E operations, future CN operations on EJ&E, and current CN operations on CN lines in Chicago metro area.

CN is still compiling information on fuel consumption by locomotives under the actual operating conditions on the affected CN and EJ&E lines before and after implementation of the proposed Transaction, in order to be able to calculate accurate and reliable fuel efficiency data. CN will provide that data to SEA once it has been calculated and verified.

20. Any design plans or planning documents for new intermodal facilities on the EJ&E or expansion of CN Markham Yard Intermodal facility.

CN does not plan to locate any new intermodal facilities on the EJ&E. CN has not finalized any plans for alteration of Markham Intermodal Terminal, other than construction of a new gate in order to accommodate the anticipated growth in intermodal traffic. CN will provide SEA with plans for that gate, although the traffic growth is anticipated regardless of the outcome of this proceeding, and CN's plans for the gate are therefore not dependent on the CN/EJ&EW Transaction.

21. Any design plans or planning documents for proposed rail connections or other infrastructure changes planned related to the acquisition.

Current design plans for the improvements described in response to request no. 10 are included in the following files, which are provided as Exhibit L to this letter: Dbl Tk E Siding to Walker.pdf; Matteson Loop rev2.pdf; Munger SW Conn rev 1.pdf; NS Gary Conn 10-07.pdf; Leighton 2 Tk Wye.pdf; Ivanhoe SE Conn.pdf; Griffith SE Wye.pdf; Dbl Trk E Joliet to Frankfort.pdf; Dbl Trk Diamond Lake to Gilmer.pdf.

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22. Specifics and numbers as to train count increases listed in the Application (all CN trains or other railroads too via new trackage rights?).

All projected increases in train numbers are reported on the corrected versions of Attachments A.1 and A.2 to the Operating Plan (see Exhibit K hereto). As noted in the response to request no. 17, above, work papers supporting those attachments have been placed in the document depository and will be made available on request, subject to the Protective Order in this proceeding. The train count and tonnage data provided in Attachment A.2, as corrected, included information on trackage rights trains. CN has no plans at this time to grant new trackage rights over the EJ&EW lines.

23. Accident statistics on the EJ&E and affected CN segments related to train derailments, train/vehicle collisions, haz-mat releases, pedestrian incidents, etc. Volume of hazardous commodities on each affected line segment by STCC (Standard Transportation Community Code).

Detailed information about accidents on EJ&E and CN is kept on databases kept by FRA and available at <http://safetydata.fra.dot.gov/OfficeofSafety/>. Attachments A.1 and A.2 to the Operating Plan (see Exhibit K hereto) provide information about aggregate numbers of hazmat cars on affected lines segments before and after implementation of the Transaction. CN has not yet compiled complete information breaking this information down by STCC, but will provide that information to SEA once it becomes available and has been verified.

24. Records of any noise or operational complaints along the EJ&E.

CN has asked EJ&E to provide its records of noise or operational complaints. A copy of the records provided by EJ&E in response is provided as Exhibit M hereto. In addition, EJ&E reported that the Town of Bartlett has complained about blockages on West Bartlett Road at Spaulding and Stearns Road at Munger but did not provide any records of such complaints. According to EJ&E, it has issued operational instructions that have brought the complaints regarding Bartlett Road to an end. EJ&E also states that it has received complaints about trains blocking Rockland Road at Rondout, that those complaints were misdirected because CP's trains rather than EJ&E's were the ones blocking the crossing.

25. List of any existing or planned quiet zones along EJ&E rail line.

Quiet zones currently in place on EJ&E are: (1) Old School Road (Western Subdivision MP 63.87) to Oakwood Drive (Western Subdivision MP 54.73), effective March 26, 2007; (2) Ferguson Road (119th St.) (Western Subdivision MP 13.59) to Lockport Street (Western Subdivision MP 9.00), effective November 19, 2007; (3) Martin Luther King Drive (Western Subdivision MP 69.75) to Bradley Road (Western Subdivision MP 65.16), effective January 2, 2008.



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A Notice of Intent pursuant to 49 C.F.R. § 222.43 was submitted on April 14, 2007, for a new quiet zones between Main Street (State Route 22) (Western Subdivision MP 53.44) and West Bartlett Road (Western Subdivision MP 36.95).

Other than those already negotiated by EJ&E, CN has not formulated plans for additional quiet zones.

26. Any estimates or projections of train or vehicle traffic congestion reductions along with associated emissions reductions, reductions in train delay, reduction in traffic delay at at-grade crossings.

CN has retained Parsons Transportation Group to assist it in making estimates of these impacts, and is still compiling the information needed for inputs in calculating those estimates (e.g., the train lengths and other information requested in no. 8, above). CN will provide those estimates as they become available and are verified.

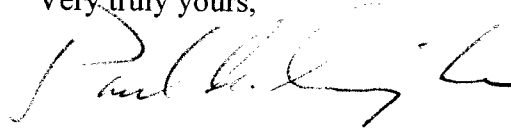
27. Specifics as to what type of safety training (CN and EJ&E) is required for field work, on-site observation and hy-rail activities.

The Safety Integration Plan, submitted to SEA on December 28, 2007, contains details about safety training required by CN and EJ&E.

\* \* \* \* \*

As CN wishes to provide all appropriate assistance to enable SEA to complete its environmental review as expeditiously as possible, while maintaining the accuracy and quality of the analysis, we will forward you any additional information that CN may obtain that is responsive to these requests. If you have any further questions, please feel free to call me, and I will do whatever I can to provide you with the answers.

Very truly yours,



Paul A. Cunningham  
Counsel for Canadian National Railway Company  
and Grand Trunk Corporation

Enclosures (on CD)

cc: John H. Morton  
Normand Pellerin